

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: WORLD TRADE CENTER  
DISASTER SITE LITIGATION

**AFFIDAVIT**

Index No. 21 MC 100 (AKH)

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KENNETH A. MUNDT, PhD., being duly sworn upon oath, deposes and states as follows:

1. I am a practicing epidemiologist and an Adjunct Associate Professor in the Department of Epidemiology at the School of Public Health and Health Sciences at the University of Massachusetts at Amherst. I received my M.S. in Epidemiology from the University of Massachusetts at Amherst in 1986 and my PhD in Epidemiology from the University of North Carolina at Chapel Hill in 1989. I am a Principal in ENVIRON and am Director of Epidemiology and member of the Health Sciences Leadership Team. I currently also serve as Adjunct Professor in the Department of Epidemiology at the School of Public Health at the University of North Carolina at Chapel Hill, and Adjunct Associate Professor in Biostatistics and Epidemiology and Chair of the Executive Council of the Dean's Advisory Board in the School of Public Health and Health Sciences at the University of Massachusetts. As an epidemiologist I have full and complete knowledge of epidemiological concepts and methods used to evaluate occupational and environmental exposures including chemicals. I have also conducted numerous quality-based critical reviews of the epidemiological literature, provided epidemiologic instruction and training at the graduate level, and have offered expert testimony.

As a senior epidemiologist I have focused my professional work in areas that included the application of epidemiological concepts and methods to diverse occupational and environmental health challenges on behalf of corporations, government agencies, international organizations and law firms. I am fully familiar with and regularly apply the standards of practice within the epidemiological community that are used to evaluate possible causal connections.

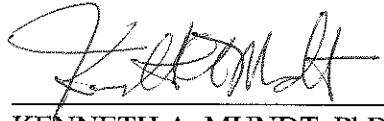
2. I submit this Affidavit in opposition to the motion by the City of New York to modify the subpoena issued to the Fire Department of the City of New York and for a protective order.

3. I have reviewed the 28 articles set forth in Exhibit "A" of the Subpoena Duces Tecum to the Fire Department of New York dated November 23<sup>rd</sup>, 2011 and am familiar with the published content of these articles. Based upon my review of the Affidavit of David J. Prezant, it would appear that the City of New York declines to produce the address, race, sex, height, and dates of birth, death, hire, and retirement and seeks to redact that information from the materials it intends to produce pursuant to the demands served upon it.

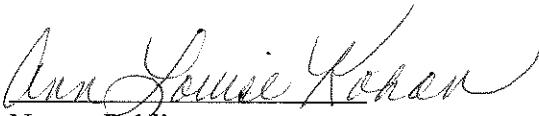
4. Among the most important determinants of disease risk in humans are age (determined by date of birth and if deceased, date of death), sex, race and body mass index – a measure of obesity based on height and weight. Additional information specifically relevant to occupational and environmental risks include location and dates of employment as well as residence. In order to fully scientifically evaluate the underlying relationships between occupational and environmental exposures and diseases as described in the referenced articles and the conclusions contained therein, the above referenced information is needed. The subpoenaing defendants in this action seek to have access to the medical and demographic data collected via the MMTP Program. This program provides a proactive monitoring of FDNY

participants' medical conditions by obtaining data for specific conditions based upon symptom reporting as well as testing by medical examination and assessment of physiology via pulmonary function testing and other technical modalities. These tests and modalities are subject to socio-demographic, exposure and health factors, as well as varying interpretations, which may result in conclusions based on these data that differ from those drawn by the MMTP investigations.

Dated: January 10, 2012

  
KENNETH A. MUNDT, PhD

Sworn to before me this  
10<sup>th</sup> day of January 2012

  
Ann Louise Kohan  
Notary Public

